

ORDINANCE NUMBER 20-08

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE WHEELER LANDING PLANNED UNIT DEVELOPMENT DISTRICT AND THE UNIFIED DEVELOPMENT ORDINANCE

This is an ordinance to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") previously adopted Ordinance No. 18-04, the Wheeler Landing Planned Unit Development District (the "Wheeler Landing PUD Ordinance") on September 24, 2018;

WHEREAS, the Common Council subsequently adopted Ordinance 19-37, the Wheeler Landing Planned Unit Development District on September 9, 2019 (the "First Amendment"), which amended the Wheeler Landing PUD Ordinance;

WHEREAS, the Common Council subsequently adopted Ordinance 19-62, the Wheeler Landing Planned Unit Development District on November 25, 2019 (the "Second Amendment"), which amended the First Amendment;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered Petition No. 2003-PUD-02 (the "Petition"), requesting an amendment to the Unified Development Ordinance, Zoning Map and Wheeler Landing PUD Ordinance (the "Third Amendment"), with regard to the subject real estate more particularly described in Exhibit A, attached hereto (the "Real Estate"); and

WHEREAS, the Commission forwarded the Petition No. 2003-PUD-02 to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a positive recommendation (7-2) in accordance with Indiana Code§ 36-7-4-608, as required by Indiana Code§ 36-7-4-1505; and

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on July 7, 2020; and

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code§ 36-7-4-1512 concerning any action on this request; and

COPY

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Wheeler Landing PUD Ordinance, Unified Development Ordinance, and Zoning Map, are hereby amended as follows:

Section 1. Applicability of Ordinance.

1.1 This Ordinance shall amend the Wheeler Landing PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, (ii) the Wheeler Landing PUD Ordinance; and (iii) the provisions of the Unified Development Ordinance, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance or the Wheeler Landing PUD Ordinance, as amended.

1.2 Chapter ("Chapter") and Article ("Article") cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the Unified Development Ordinance.

1.3 All provisions and representations of (i) the Unified Development Ordinance or (ii) the Wheeler Landing PUD Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance or the Wheeler Landing PUD Ordinance shall have the meanings ascribed to them in the Unified Development Ordinance.

Section 3. Overlay Districts.

3.1 All provisions of Section 7 of the approved Wheeler Landing PUD Ordinance as amended shall apply to the development of the Real Estate, except as otherwise modified below:

- A. Building Elevation (Article 5.3(K)(2): Shall apply; however,
 - a. Building Facades, which are one hundred forty (140) feet or greater in length, shall be designed with offsets (projecting or recessed) at intervals of not greater than sixty (60) feet. Offsets shall extend the entire vertical plane of the Building Facade and shall be a minimum depth of two (2) feet and a minimum aggregate length of twenty percent (20%) of the horizontal plane of the overall Building Facade. The requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C
 - b. Flat Roofs (Article 5.3(K)(2)(f)(ii)(c)(2); A roof line modulation shall include a vertical change in the visible roof line of at least two (2) feet, with a minimum aggregate modulation length of twenty percent (20%) of each Building Façade.

The requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C.

- c. Drive-thrus and Fueling Stations (Article 5.3(K)(2)(j)(i); Drive-thru lanes shall be permitted between the State Highway 32 right-of-way line or the Trail Corridor and the Building Facade nearest to said right-of-way line (e.g. Established Front Yard) or Trail Corridor for Lot 5 only as illustrated on Exhibit B.
- d. Building Materials (Article 5.3(K)(2)(k); the requirements of this section are met and the Building on Lot 5 shall be substantially compliant with Exhibit C.

Section 4. Development Standards.

4.1 The standards of Chapter 6 Development Standards shall apply to the development of the Real Estate, except as otherwise modified below:

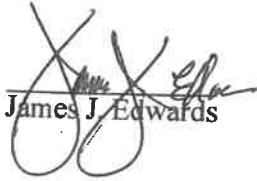
- A. Foundation Plantings (Article 6.8(L)(4); shall apply; however, the foundation plantings of the Building Façades may be located in excess of fifteen (15) feet from the Building Façade, patio fence or other barrier.
- B. Foundation Plantings (Article 6.8(L)(3); Planters shall be a permitted landscaping material meeting the requirements of Article 6.8(L).
- C. Signs Facing the Monon Trail (Section 8.4(F) of Ord. 18-04); Signs shall be allowed to extend above the cornice line of the Building on Lot 5, as illustrated on Exhibit C.

(SIGNATURE PAGE IMMEDIATELY FOLLOWS)

ALL OF WHICH IS ORDAINED THIS 13th DAY OF July 2020.

WESTFIELD CITY COUNCIL

Voting For


James J. Edwards

Voting Against

James J. Edwards

Abstain

James J. Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy Spoljaric

Cindy Spoljaric

Cindy Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:


Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE 20-08** was delivered to the Mayor of Westfield on the 16th day of July, 2020, at 10:00 AM.

Cindy Gossard
Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 20-08**

this 16th day of July, 2020.

J. Andrew Cook
J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 20-08**

this _____ day of _____, 2020.

J. Andrew Cook, Mayor

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

Prepared by N Churchill

Nick Churchill
Printed Name of Declarant

SCHEDULE OF EXHIBITS

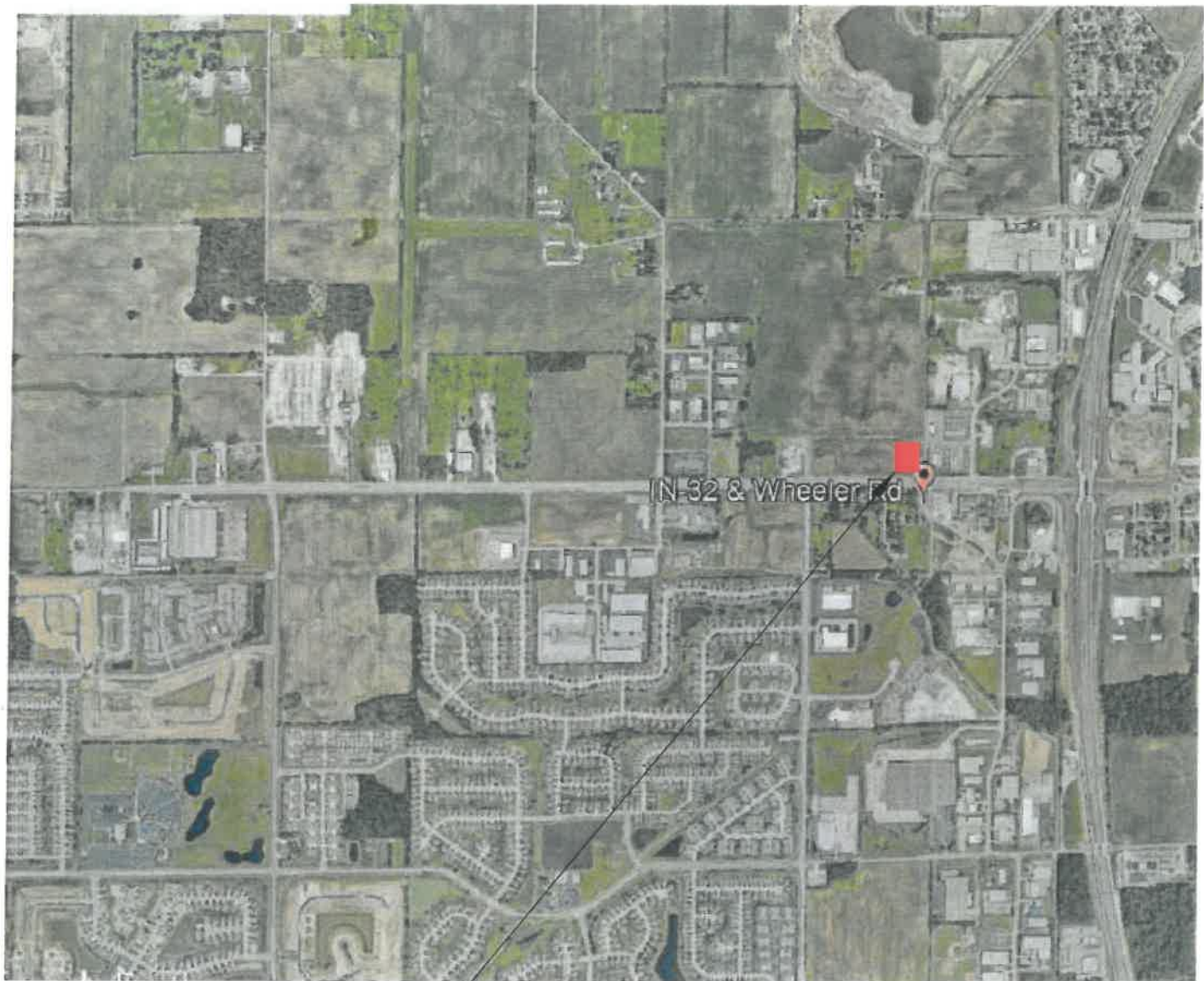
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|-----------|-----------------------------------|
| Exhibit A | Real Estate (Legal Description) |
| Exhibit B | Site Development Plan – Lot 5 |
| Exhibit C | Elevations and Renderings – Lot 5 |

EXHIBIT A
Real Estate (Legal Description)

Parcel #08-05-36-00-00-042.000: Begin 11 rods east of the Southwest corner of Section 36, Township 19 North, Range 3 East, in Hamilton County, Indiana; run thence North 70 rods; thence East 34 rods; thence South 70 rods to the South line of Section 36, West 34 rods to the place of beginning, containing 15 acres, more or less.

Parcel #08-05-36-00-00-041.000: Begin 45 rods East of the Southwest corner of Section 36, Township 19 North, Range 3 East; run thence North 70 rods; East 35 rods, more or less, to the East line of the West Half of the Southwest Quarter of said Section; thence South 70 rods; thence West 35 rods, more or less, to the place of beginning, containing 15 acres, more or less.

Parcels #08-05-35-00-00-028.000 & 08-05-35-00-00-028.002: A survey of a part of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, being more specifically described as follows: BEGINNING at a point on the South line of the Southwest Quarter of Section 35, Township 19 North, Range 3 East, said Point of Beginning being South 89 degrees 39 minutes 49 seconds West (assumed bearing) 1021.48 feet from the Southeast corner of said Southwest Quarter; thence South 89 degrees 39 minutes 49 seconds West 296.71 feet to the Southwest corner of the Southeast Quarter of said Southwest Quarter; thence North 00 degrees 02 minutes 02 seconds East 1321.63 feet to the Northwest corner of the Southeast Quarter of said Southwest Quarter; thence North 89 degrees 46 minutes 55 seconds East 296.71 feet on and along the North line of the Southeast Quarter of said Southwest Quarter; thence South 00 degrees 02 minutes 02 seconds West 1321.02 feet to the Point of Beginning. Containing 9.00 acres, more or less, being subject to all applicable easements and rights-of-way of record.



IN 32 & Wheeler Rd

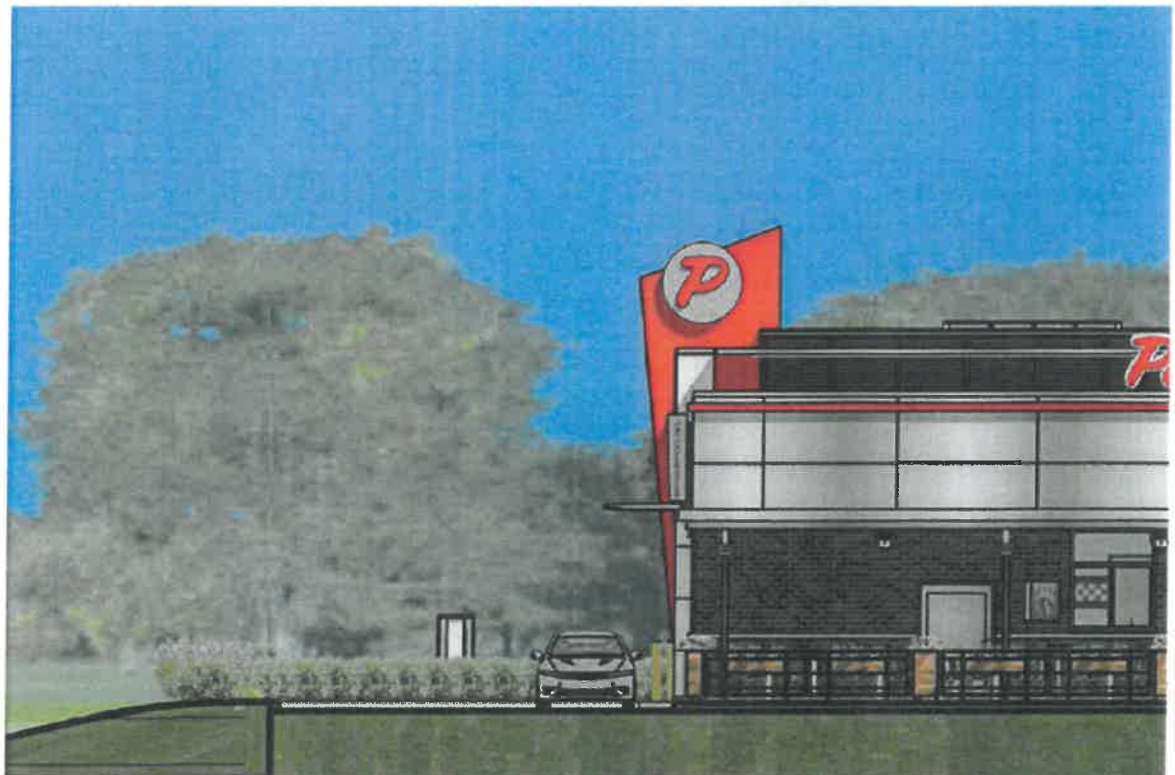
PROJECT
LOCATION

LOCATION PL



WEST ELEVATION - M

Scale: N.T.S.



NORTH ELEVATION - C

Scale: N.T.S.



Portillo's - New
NWC St. Route
Wes



EAST ELEVATION: Drive
Scale: N.T.S.



SOUTH ELEVATION: View
Scale: N.T.S.

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Portillo's - Nev
NWC St. Route
Wes